

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LARRY YOUNG,

Petitioner,

vs.

BRAD HANSEN,

Respondent.

**8:18CV372**

**MEMORANDUM  
AND ORDER**

This matter is before the court on various motions filed by Petitioner related to his “Request for Relief From Judgment Under Rule 60(b)(3)(4)(6) and (d)(1)(2)” ([filing no. 1](#)), which has been docketed as a petition for writ of habeas corpus.

**I. MOTION TO WITHDRAW MOTIONS TO DISMISS**

Petitioner sent two letters to the court dated August 6, 2018, and August 10, 2018, respectively, that were docketed as motions to dismiss. (Filing Nos. [4](#), [5](#).) Both letters seemed to indicate that Petitioner sent his “Request for Relief from Judgment” to the court in error and to direct the court to disregard the filing. (See [Filing No. 4](#).) Thereafter, the court received Petitioner’s letter dated August 9, 2018, which was docketed as a Motion to Withdraw Motions 4 and 5. ([Filing No. 6](#).) In that letter, Petitioner asked the court to disregard his previous communication asking the court to dismiss his pleading and expressed Petitioner’s desire to proceed with his case since he had been assigned a case number. (*Id.*) Upon consideration, the court will grant Petitioner’s motion to withdraw his previous motions to dismiss.

## II. MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner filed a “Request for Relief From Judgment Under Rule 60(b)(3)(4)(6) and (d)(1)(2)” ([filing no. 1](#)), which has been docketed as a petition for writ of habeas corpus, and a Motion for Leave to Proceed in Forma Pauperis ([filing no. 8](#)). Habeas corpus cases attacking the legality of a person’s confinement require the payment of a \$5.00 filing fee. 28 U.S.C. § 1914(a). However, after considering Petitioner’s financial status as shown in the records of this court (*see* inmate trust account statement at [filing no. 9](#)), leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the filing fee. *See* 28 U.S.C. § 1915(a)(1).

IT IS THEREFORE ORDERED that:

1. Petitioner’s Motion to Withdraw Motions 4 and 5 ([filing no. 6](#)) is granted. The motions to dismiss (filing nos. [4](#), [5](#)) are withdrawn, and the clerk is directed to terminate those motion events.

2. Petitioner’s Motion for Leave to Proceed in Forma Pauperis ([filing no. 8](#)) is granted. The next step in this case is for the court to conduct a preliminary review of the habeas corpus petition in accordance with Rule 4 of the Rules Governing Section 2254 cases. The court will conduct this review in its normal course of business.

Dated this 16th day of August, 2018.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge